

EXHIBIT 65

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA DIVISION

— — —

DEPOSITION OF DR. SUSAN SHAPIRO

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Reported by:

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1 was a question, we worked directly with general -- or
2 counsel's office to clarify or get understanding --

3 BY MR. HARRIS:

4 Q. Okay.

5 A. -- to make sure we were following the law.

6 Q. So if a question arises then you would check
7 up on that question?

8 A. (Witness indicates to the affirmative.)

9 Q. Is that a "yes"?

10 A. Yes. Absolutely. If there were any
11 questions.

12 Q. Another one of the duties you said was to
13 meet with the students and review documentation.

14 What documentation were you reviewing?

15 A. The documentation submitted by the students.

16 Q. What document is submitted by the students?

17 A. That depends on their specific disability
18 and whether it's a medical or psychological learning.
19 It really depended on the documentation -- the
20 particular presenting request for accommodation.

21 Q. And what is the goal in reviewing whatever
22 the documentation is for a particular student?

23 A. It's one part of the process that we use to
24 understand if there a disability, the impact of the

1 disability on students' -- how they were limited in
2 major life functions.

3 Q. Now, I've learned that the non-medical
4 doctor is a much larger contingent at the academic
5 population throughout this case than I was previously
6 aware of.

7 Are you a medical doctor or a PhD doctor?

8 A. A PhD doctor.

9 Q. Did SDS have any medical doctors on staff?

10 A. It did not.

11 Q. Okay. And correct me if I'm wrong, but
12 would the documents that the office is reviewing, would
13 those be medical documents?

14 A. It may be.

15 Q. Okay. And was there any training and
16 interpretation of medical documents?

17 A. If there were questions, with permission, we
18 consulted with Student Account Services physicians. We
19 may consult with the student's doctor, obviously with
20 his or her written permission.

21 Q. And when meeting with the students, you're
22 talking about the student that needs a particular
23 accommodation?

24 A. Uh-huh.

1 Q. And if you could just say "yes" or "no."

2 A. Yes. Yes. I'm sorry.

3 Q. No worries. That's how regular people talk.
4 These lawyers. Ugh. Okay.

5 Can you walk us through the meeting that
6 would occur with the student?

7 A. When a student comes in, we want to learn
8 about their request for accommodations. We request
9 documentation of their -- about their condition. When
10 we meet, it's a collaborative interactive process where
11 we really want to get to know the student, what their
12 needs are, what they're asking for, their concerns so
13 that we can most appropriately accommodate them.

14 If we have questions about the
15 documentation, we get releases so that we can
16 communicate, either with their professionals or the
17 professionals at Student Account Services.

18 Q. Okay. All of those definitely make sense to
19 me as to goals of the meeting.

20 Do these meetings have an itinerary?

21 A. It's not a formal process because we're
22 dealing with humans and everybody's different. But our
23 goal is to understand what the student is asking for,
24 what their needs are.

1 participate in the collaborative process.

2 Q. What document? You said you asked for
3 documents. What documents were those?

4 A. I asked for -- requested documentation of
5 her disability services so that we could review that as
6 part of the process for determining accommodations.

7 Q. And then in terms of the collaborative
8 process, for April, specifically in the Spring of 2016,
9 what was the sort of outline of the plan for that
10 specific collaborative process?

11 A. I asked several times to meet April because
12 that's really a crucial part in our being able to
13 determine accommodations is to be able to speak with the
14 student, see what the accommodations are that the
15 student's requesting, understanding the impact of her
16 disability, her perspective, and really to understand
17 her and be able to make appropriate decisions in going
18 to provide her with access.

19 Q. And the accommodations that were requested,
20 that was like extra time to take tests? Was that it?

21 A. I think there were other requests for
22 accommodations.

23 Q. Were there other requests related to test
24 taking?

1 A. She wanted to come with an advocate or a
2 lawyer.

3 Q. Oh. So why couldn't she?

4 MS. GREENSPAN: Objection. Asked and
5 answered. You may answer again.

6 THE WITNESS: You want me to answer?

7 MS. GREENSPAN: You can answer again.

8 THE WITNESS: Okay. It's not in our
9 practice.

10 BY MR. HARRIS:

11 Q. Is there anywhere that this practice of not
12 allowing lawyers adopted?

13 A. This is a process. If a lawyer is involved,
14 it becomes a legal process and -- and our legal counsel
15 has to be involved in that process. But that's not how
16 we practice. Our practice is to determine
17 accommodations. It's not a legal process. A legal
18 process happens later, if there is a concern.

19 Q. Right. Is there any documentation that
20 would reflect this practice?

21 A. Not to my knowledge.

22 Q. Isn't it true that Ms. Ploeger asked for --
23 certainly her attorney, but she also asked for an
24 advocate, right?

1 allowed to meet with her lawyer, advocate, or witness?

2 A. Yes.

3 Q. Who did you ask?

4 A. Brenda.

5 Q. Did Brenda respond to you?

6 A. Yes.

7 Q. When did you ask Brenda?

8 A. I don't remember.

9 Q. Do you remember whether it was before or
10 after February 10th, 2016?

11 A. It was probably before because there were
12 other e-mails in which the issue of April having a
13 lawyer -- where she stated she wanted a lawyer. As far
14 as I can remember, there were several.

15 Q. Why wouldn't you meet -- or have this
16 meeting with April over e-mail?

17 A. Over e-mail?

18 Q. Yeah.

19 A. Our practice was to meet with students.
20 It's the humanistic process to meet and get to know a
21 student. And a lot is missed through an e-mail. A lot
22 is misinterpreted. Our practice was to meet with
23 students.

24 Q. Sure. You had been meeting with April at

1 THE WITNESS: As I said before, if somebody
2 needs information about a particular case, they receive
3 the notes, the copy of those notes, as well as any
4 documents that were in the file.

5 Q. Now, we had seen, I believe what you said,
6 in the third tab, the approved accommodations, meaning
7 extended test-taking time, alternative test location,
8 et cetera.

9 Why did you need to meet April again about
10 those same accommodations?

11 MS. GREENSPAN: Object to the form. You may
12 answer.

13 THE WITNESS: Okay. April was asking for
14 additional accommodations and we needed updated
15 documentation. That was way before this particular
16 time. And --

17 BY MR. HARRIS:

18 Q. Does -- oh, I'm sorry. I didn't know you
19 were done. I apologize. I didn't know you weren't
20 done. I apologize.

21 A. And the nature of her condition had changed.
22 She indi --

23 Q. I'm sorry. I thought you were done again.

24 A. Yeah. No. No, I'm done.

1 MS. GREENSPAN: Can you finish your
2 sentence, please.

3 THE WITNESS: Because she had indicated
4 there were other accommodations she wanted and that she
5 had some conditions, which I don't clearly understand
6 because there wasn't the kind of documentation we needed
7 to understand those.

8 BY MR. HARRIS:

9 Q. And so let's break that down. So there's
10 the prior accommodations that she already had approved
11 that she was requesting and then there's a different
12 additional set of accommodations that she was requesting
13 as well; is that correct?

14 A. Yes. And we always -- when there is a
15 medical condition, nature can change and so we updated
16 documentation. And clearly in this case it's indicative
17 that we need updated documentation to know how to
18 accommodate current conditions.

19 Q. And what was the nature of change in April's
20 condition?

21 A. I don't know because we really didn't get
22 documentation.

23 Q. How do you know there was a change?

24 A. Because she indicated it in her e-mails.

1 this meeting and so forth for the new accommodations,
2 your office still refused to give her the previous
3 accommodations.

4 Do I have that correct?

5 A. Not exactly. We needed updated
6 documentation. I believe that was based on much older
7 documentation. And we need to take a look. We didn't
8 refuse to give her the accommodation. We needed updated
9 documentation which we asked for repeatedly and did not
10 receive.

11 Q. And the conditions that April had that
12 necessitated those previous accommodations, those were
13 chronic life-long conditions, correct?

14 A. I don't believe so. Well, it's going way
15 back to when she was approved for those accommodations.
16 And I don't have the records in front of me to look.

17 Q. So looking at the accommodations, we are
18 talking about January 16, 2015?

19 A. No.

20 Q. No? That's not what that date is?

21 A. I don't know what this form is. I don't
22 know what this form is. They were her initially
23 approved accommodations. Transportation is based upon a
24 condition, of which I believe we didn't have current